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Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

METRO FUEL LLC, a Delaware limited liability company,

Plaintiff,

CITY OF SAN FRANCISCO, a municipal corporation, COUNTY OF SAN FRANCISCO, a subdivision of the State of California, CITY AND COUNTY OF SAN FRANCISCO, a chartered California city and county and DOE 1 through DOE 10,

Defendants.

Case No. C07-6067 JSW

STIPULATION AND PROPOSED ORDER

1 WHEREAS, Emery Celli Brinckerhoff & Abady LLP has been retained to represent Plaintiff
 2 Metro Fuel LLC as co-counsel to The Law Office of Paul E. Fisher; and

3 WHEREAS, Eric Hecker, Esq., a partner at Emery Celli Brinckerhoff & Abady LLP, has
 4 moved for admission pro hac vice in this action and will formally appear when such application is
 5 granted; and

6 WHEREAS, counsel for Plaintiff Metro Fuel LLC have reviewed the Motion for Judgment on
 7 the Pleadings filed by Defendant City and County of San Francisco; and

8 WHEREAS, having reviewed the Motion for Judgment on the Pleadings, counsel for Plaintiff
 9 Metro Fuel LLC wish to file an Amended Complaint in order to narrow, focus, and refine the issues
 10 presented in this litigation; and

11 WHEREAS, the parties mutually desire for Plaintiff to have the opportunity to file an
 12 Amended Complaint, for Defendant to have the opportunity to file a Motion to Dismiss or other
 13 pleading, and for the parties to do so in a manner that does not substantially change the briefing
 14 schedule previously approved by the Court; and

15 WHEREAS, Deputy City Attorney Thomas S. Lakritz, counsel for Defendant, is scheduled to
 16 be on a prepaid vacation from April 28, 2008, through May 2, 2008, returning to the office on May 5,
 17 2008; and

18 WHEREAS, Mr. Hecker (who was not retained by Plaintiff until after the prior Scheduling
 19 Order was issued) has a prior commitment that will preclude his ability to attend the hearing presently
 20 scheduled for June 13, 2008;

21 NOW, THEREFORE, it is hereby STIPULATED, AGREED, and ORDERED as follows:

22 1. Plaintiff shall serve Defendant with a putative Amended Complaint on or before April
 23 17, 2008, and shall file the same with the Court promptly after this Stipulation and Proposed Order is
 24 approved by the Court.

25 2. Defendant shall file a revised Motion to Dismiss or other responsive pleading on or before
 26 May 9, 2008.

27 3. Plaintiff shall file its opposition to Defendant's motion on or before May 23, 2008.

- 1 4. Defendant shall file its reply in further support of its motion on or before June 2, 2008.
2 5. The hearing previously scheduled for June 13, 2008, is continued until June 20, 2008.
- 3
- 4

5 DATED: April 17, 2008

DENNIS J. HERRERA
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Deputy City Attorneys

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7 By: _____/s/
THOMAS S. LAKRITZ

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9

10 Attorneys for Defendant CITY AND COUNTY OF
11 SAN FRANCISCO

12

13 DATED: April 17, 2008

LAW OFFICES OF PAUL E. FISHER

14

15 By: _____/s/
PAUL E. FISHER

16

17 Attorneys for Plaintiff METRO FUEL, LLC

18

19 IT IS SO ORDERED:

20

21 DATED: _____

22 By: _____
23 THE HONORABLE JEFFREY S. WHITE